REMARKS

Claims 1-30 were previously pending in this patent application. Claims 1-30 stand rejected. Herein, Claim 1 has been amended to correct an informality caused by inadvertently carrying forward language deleted by amendment in a previous office action response. No new matter has been added by this amendment. Further examination and reconsideration in view of the remarks and arguments set forth below is respectfully requested.

35 U.S.C. Section 103(a) Rejections

Claims 1-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins et al., U.S. Patent Application Publication No. 2002/0198657 A1 (hereinafter Robbins), in view of Friedman, WO 01/050151 A1 (hereinafter Friedman), and further in view of Gavrilovich, U.S Patent No. 5,729, 826. These rejections are respectfully traversed.

Independent Claim 1 recites (as amended):

> A method for delivering Virtual Reference Station (VRS) data derived by a VRS network processor at a VRS control station for a designated location to a mobile position determination unit with a terrestrial communications link, said method comprising:
>
> creating a data message comprising pseudorange data derived for said designated location and pseudorange corrections for a designated region surrounding said designated location;
>
> sending said data message via a cellular telephone connection from said VRS control station to a base station located in the designated region surrounding said designated location; and
>
> transmitting said data message from said base station to a mobile position determination unit using a radio transmitter independent of said cellular telephone connection, wherein said base station may be moved about within said designated region while performing said transmitting.

It is respectfully asserted that the Robbins reference does not anticipate or render obvious the present invention as recited in Independent Claim 1. In particular, Independent Claim 1 recites the limitation, "transmitting said data message from said base station to a mobile position determination unit using a radio transmitter independent of said cellular telephone connection, wherein said base station may be moved about within said designated region while performing said transmitting, " (emphasis added). Per Applicant's understanding, Robbins may teach a distribution system 110 for delivery of real-time distribution of differential global positioning system (DGPS) data to a mobile user 115 (see, e.g., paragraph 58 and Figure 1 of Robbins). The present Office Action (10/03/2006) equates this teaching with the claim limitation of "sending said data message via a cellular telephone connection from said VRS control station to a base station located in the designated region surrounding said designated location", see page 3 of the present Office Action.

However, per Applicant's understanding, the Robbins reference does not teach, describe, or suggest, "transmitting said data message from said base station to a mobile position determination unit using a radio transmitter independent of said cellular telephone connection, wherein said base station may be moved about within said designated region while performing said transmitting". Instead, per Applicant's understanding the Robbins reference is silent regarding such a limitation. As such, Applicant submits that Claim 1 is neither anticipated nor rendered obvious by the Robbins reference.

The Applicant submits that the Friedman reference does not cure the deficiency noted above with the Robbins reference. Specifically, the Friedman reference, like the Robbins reference fails to teach or suggest, "transmitting said data message from said base station to a mobile position determination unit using a radio transmitter independent of said cellular telephone connection, wherein said base station may be moved about within said designated region while performing said transmitting," as recited in Claim 1.

Per Applicant's understanding the location of a "base station" (item 54) taught by the Friedman reference is "previously programmed using a special purpose computer 66 such as a laptop or personal digital assistant" upon installation (emphasis added), see page 14, lines 19-21 of the Freidman reference. Further, Applicant understands Friedman to teach the previously programmed location of the base station to be a latitude and longitude, or else a unique identification number associated with data in a lookup table such as a street address, floor number, or room number (see e.g., page 14, line 19 - Page 15, line 13 of Freidman). It is this previously programmed location information which would be wirelessly transmitted to a mobile user (see, e.g., page 15, lines 14-20 of Friedman). Applicant asserts that by such teaching, the Friedman reference teaches away from the present invention, which recites, "transmitting said data message", wherein the data message comprises "pseudorange data derived for said designated location and pseudorange corrections for a designated region surrounding said designated location", see Claim 1 above. Therefore, Applicant respectfully submits that the

invention as recited in Claim 1 is neither anticipated nor rendered obvious by the Robbins reference in view of the Freidman reference.

Furthermore, according to MPEP 2143, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)" (emphasis added). Moreover, "[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification" (emphasis added) (MPEP 2143.01; *In re Gordon*, 733 F2.d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

In particular, the principle of operation of Robbins appears to involve a distribution system which "comprises delivery media for real-time distribution of DGPS data to mobile users" (emphasis added) see, e.g., paragraph 58 and Figure 1 of the Robbins reference. Applicant asserts modifying this distribution system to use special purpose computers to install pre-programmed (static) location information would both change the principle of operation of Robbins and render Robbins inoperable for its intended purpose. Therefore, Applicant respectfully asserts that there is no suggestion to modify the teachings of Robbins and Friedman in the manner suggested by the Examiner, as the teachings of Robbins teach away from the modification as suggested by the Examiner. As such, Applicant respectfully submits that the invention as recited in Claim 1 is neither anticipated nor rendered obvious by the Robbins reference in view of the Freidman reference, as

there is no suggestion or motivation to combine these references in the manner suggested by the Examiner.

The Applicant submits that the Gavrilovich reference does not cure the deficiency noted above with both Robbins and Friedman. Specifically, the Gavrilovich reference, like the Robbins and Friedman references, fails to teach or suggest, "transmitting said data message from said base station to a mobile position determination unit using a radio transmitter independent of said cellular telephone connection, wherein said base station may be moved about within said designated region while performing said transmitting," as recited in Claim 1.

As recited in Claim 1, a "data message" comprises "pseudorange data derived for said designated location and pseudorange corrections for a designated region surrounding said designated location". As understood by the Applicant, the Gavrilovich reference is silent regarding "transmitting said data message". Further, as understood by the Applicant, the Gavrilovich reference is also silent regarding "transmitting said data message from said base station to a mobile position determination unit using a radio transmitter independent of said cellular telephone connection" (emphasis added). Per Applicant's understanding, Gavrilovich's invention relates to "cellular telephone systems in which a mobile unit communicates by wireless communication to a base station connected to the wire telephone network and more particularly to cellular telephone systems adapted for use with fast-moving mobile units", see e.g., Figure 1, Figure 9, and Col. 1 lines 10-15 of Gavrilovich. As understood by the Applicant, the base stations (30, 40, 70, 210, and

250) of Gavrilovich are intermediate links in a cellular telephone network, and thus, no radio transmitter of Gavrilovich is independent of a cellular connection. Therefore, Applicant respectfully submits that independent Claim 1 is neither anticipated nor rendered obvious by the Robbins reference in view of the Freidman reference and in further view of the Gavrilovich reference.

As such, Applicant submits that Claim 1 overcomes the rejection under 35 U.S.C. §103(a) and is in condition for allowance. Dependent Claims 2-10 are dependent on allowable Independent Claim 1. Hence, it is respectfully submitted that Dependent Claims 2-10 are patentable over the combination of Robbins in view of Friedman and further in view of Gavrilovich for the reasons discussed above and by virtue of their dependence upon an allowable base claim.

With respect to Independent Claims 11 and 21, it is respectfully submitted that Independent Claims 11 and 21 recite similar limitations to Independent Claim 1. In particular, Independent Claims 11 recites the limitation, "a moveable base station ... for transmitting said data message using a radio transmitter independent of said cellular telephone connection, wherein said moveable base station may be moved about within said designated region while transmitting said data message", while Independent Claim 21 recites the limitation, " transmitting said data message from said base station ... using a radio transmitter independent of said cellular telephone network, wherein said base station may be moved about within said designated region while performing said transmitting". For at least the rational discussed above with regard to Claim 1, the combination of Robbins in view of Friedman and further

in view of Gavrilovich does not teach or suggest the cited claim limitations of Independent Claims 11 and 21.

Therefore, it is respectfully submitted that Independent Claims 11 and 21 overcome the rejection under 35 U.S.C. §103(a), are patentable over the combination of the Robbins in view of the Friedman and further in view of the Gavrilovich, and are in condition for allowance. Dependent Claims 12-20 and Dependent Claims 22-30 are dependent on allowable Independent Claims 11 and 21, respectively. Hence, it is respectfully submitted that Dependent Claims 12-20 and Dependent Claims 22-30 are patentable over the combination of Robbins in view of Friedman and further in view of Gavrilovich for the reasons discussed above and by virtue of their dependence upon allowable independent claims.

CONCLUSION

It is respectfully submitted that the above claims, arguments, and remarks overcome all rejections. All remaining claims (Claims 1-30) are neither anticipated nor obvious in view of the cited references. For at least the above-presented reasons, it is respectfully submitted that all remaining claims (Claims 1-30) are in condition for allowance.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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